

MAR 11 2021

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

UNITED STATES OF AMERICA)	
)	
v.)	Criminal Case No. 0419 3:12CR00022-
)	001
)	
Anthony A. Bratton)	
Defendant)	

**AGREED ORDER AND JUDGMENT
TO REVOKE SUPERVISED RELEASE**

Upon petition of the U.S. Probation Office, joined herein by the United States and the defendant, to revoke the supervised release of defendant Anthony A. Bratton and for good cause shown therein, and also based on agreement of the parties as set forth herein:

AGREEMENT OF UNITED STATES AND DEFENDANT

The defendant agrees and stipulates that he has violated the terms and conditions of supervised release in the following respects:

1. FAILURE TO COMPLY WITH DRUG TESTING/TREATMENT REQUIREMENTS

(Date violation concluded: 12/17/2019). The defendant has violated the condition of supervision that states, "The defendant shall participate in a program of testing for substance abuse if directed to do so by the probation officer. The defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of the testing. If warranted, the defendant shall participate in a substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise the defendant's participation in the program (including, but not limited to, provider, location, modality, duration, intensity) (unless omitted by the Court)," in that, the defendant failed to report for scheduled Code-A-Phone drug screens

on the following dates: 7/9/2019, 7/19/2019, 8/27/2019, 9/6/2019, 10/3/2019, 10/30/2019, 11/12/2019, 12/9/2019, and 12/17/2019. GRADE C VIOLATION

2. DRUG/ALCOHOL USE (Date violation concluded: 10/28/2019). The defendant has violated the condition of supervision that states, "The defendant shall refrain from excessive use of alcohol and shall not unlawfully purchase, possess, use, distribute or administer any narcotic or controlled substance or any psychoactive substances (including, but not limited to, synthetic marijuana, bath salts) that impair a person's physical or mental functioning, whether or not intended for human consumption, or any paraphernalia related to such substances, except as duly prescribed by a licensed medical practitioner," in that, on 10/28/2019, the defendant provided a urinalysis sample for drug testing that returned positive results for cocaine. This result was confirmed positive for cocaine by Alere Toxicology Services. GRADE C VIOLATION

3. FAILURE TO REPORT CONTACT WITH LAW ENFORCEMENT OFFICER (Date violation concluded: 4/17/2020). The defendant has violated the condition of supervision that states, "The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer," in that, on 4/14/2020, the defendant was driving a vehicle that was stopped by the Dallas Police Department in Gaston County, NC. After the officer conducting the traffic stop detected a strong odor of marijuana, a search of the vehicle was conducted. During this search, a black Hi-Point pistol was located under the passenger seat. The defendant did not notify the probation officer of this law enforcement contact within the required 72-hour timeframe. GRADE C VIOLATION

The parties stipulate, pursuant to Chapter 7 Policy Statements, U.S. Sentencing Guidelines, that the defendant's violations are a maximum Grade C and that the defendant has a Criminal History Category of IV.

The parties stipulate, based on U.S.S.G. §7B1.4, that the Guidelines range of imprisonment for a Grade C violation and a Criminal History Category of IV is a term of imprisonment from 6 to 12 months.

The parties agree, pursuant to Rules 11(c)(1)(C) and 32.1, Federal Rules of Criminal Procedure, that the Court should revoke supervised release and order the defendant to be imprisoned for a period of eight (8) months. If the Court rejects this sentencing agreement, the defendant has the right to withdraw from this Agreed Order and have an evidentiary hearing on the petition for revocation of supervised release.

DEFENDANT'S ACKNOWLEDGMENT AND WAIVER

The defendant acknowledges that he/she is admitting the violations of supervised release because he/she did, in fact, violate the conditions of supervised release set forth above.

The defendant acknowledges that he/she has had an opportunity 1) to review the written notice of the alleged violations of supervised release and 2) to review the evidence against him/her related to those alleged violations.

The defendant further acknowledges that he/she is aware of the following rights and is knowingly waiving these rights in exchange for the agreed sentence:

- 1) The opportunity to appear personally, present evidence, and question adverse witnesses at a revocation hearing; and
- 2) The opportunity to make a statement personally to the Court in mitigation of sentence and to present mitigating evidence to the Court.

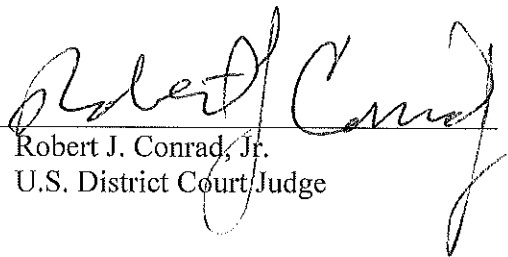
If the Court accepts the agreed sentence, the defendant knowingly waives the right to contest the revocation of supervised release and the defendant's sentence in any appeal or post-conviction action. Claims of (1) ineffective assistance of counsel and (2) prosecutorial misconduct, and those claims only, are exempt from this waiver.

AGREED SENTENCE

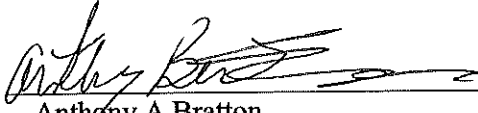
Upon agreement of the parties as set forth above, it is hereby ORDERED that the previously imposed period of supervised release is REVOKED.

It is further ORDERED that the defendant Anthony A Bratton be and is hereby SENTENCED to a term of imprisonment of eight (8) months on Counts 1, 2, 3, and 4, to run concurrently, of the judgment. It is further ORDERED that no additional term of supervised release is ORDERED following the defendant's release from imprisonment. It is further ORDERED that any restitution order, fine, and special assessment imposed in the original Judgment in a Criminal Case are hereby reimposed and are to be paid in full immediately.

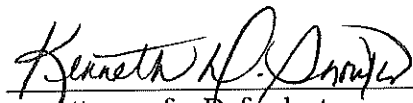
So ORDERED and ADJUDGED, this the 9th day of March, 2021.


Robert J. Conrad, Jr.
U.S. District Court Judge

APPROVED




Anthony A Bratton
Defendant




Kenneth H. Ponder
Attorney for Defendant



Maria K. Vento, Assistant United States Attorney



Glynis Eaton
Supervisory U.S. Probation Officer



Corey Campbell
Sr. United States Probation Officer